

WHEREFORE, the Parties hereby move this Court for an Order (1) preliminarily approving the terms of the Settlement as set forth in the Settlement Agreement; (2) approving the form of notice and the method of providing notice of the Settlement to the Class as set forth in the Settlement Agreement, and directing that said form of notice be provided to Class Members in that manner; and (3) scheduling a Final Settlement Hearing at which the request for final approval of the proposed Settlement, Plaintiff's Counsels' application for an award of attorneys' fees and costs, and for the entry of the Final Judgment and Order will be considered. A proposed Order Preliminarily Approving the Class Settlement, Directing the Issuance of Notice to the Class and Scheduling a Settlement Hearing is attached to the Settlement Agreement as Exhibit "A."

Respectfully Submitted,

/s/ Bruce Carlson
R. Bruce Carlson, Esquire
PA56657
bcarlson@carlsonlynch.com

Gary F. Lynch, Esquire
PA56887
glynch@carlsonlynch.com

CARLSON LYNCH LTD
231 Melville Lane
P.O. Box 367
Sewickley, PA 15143
(p) (412) 749-1677
(f) (412) 749-1686

Counsel for Plaintiff

/s/ Rhonda Sudina
Rhonda Sudina, Esquire
rsudina@rlmlawfirm.com

ROBB LEONARD MULVIHILL LLP
One Mellon Center
500 Grant Street, 23rd Floor
Pittsburgh, PA 15219
(p) (412) 281-5431
(f) (412) 281-3711

Counsel for Defendant